

## WFA Responses

### Public consultation on a proposal for an initiative on greater transparency in sponsored political content, and other supporting measures

#### Q3. 1 Should definitions of political advertising include the following:

	Include	Exclude	Neutral	Don't know
An advert raising money for a political objective (cause, candidate, party, etc)				
An advert promoting participation in an election				
An advert providing essential information about an election (public service information)				
An advert attacking another political movement, actor, party or group				
Sponsored political editorial in a newspaper or magazine				
An ad which promoted a political view without clearly being a political ad (an 'issues ad')				
Political advertising outside an election period				
Political advertising promoted in your country which appeared to be sponsored from outside your country				
Political advertising in European Parliamentary election promoted by a European (not national) political party				

#### Please explain your response (optional)

WFA supports the Commission's objective of ensuring greater transparency in online political advertising and believes that consumers should always have meaningful transparency and information about the ads they see and who is responsible for them, especially in a digital advertising context. This is why we support measures aimed at promoting online advertising transparency in real time and ensuring that consumers can understand why they have been served particular ads.

We believe that developing common definitions of key terms, such as political advertising, is a crucial step towards ensuring transparency of advertising in the political context. However, political advertising and commercial advertising are two very distinct types of advertising, the former of which can have profound implications for society, including "negative impacts on electoral processes and on the democratic debate", as the Commission notes in its inception impact assessment. This is why we believe any definition of political advertising must be clearly distinguished from commercial advertising, the latter of which doesn't bring with it the same risks. We believe that a broad definition of political and 'issues' ads could result in unintended consequences for commercial advertisers and commercial advertising falling subject to obligations on political advertising.

In particular, a definition of 'issues ads' should clearly differentiate between 'issues ads' driven by political motive or for political purposes on the one hand, and those driven by commercial motives on the other (i.e. to promote the image of a brand in order to influence consumers' transaction decisions in relation to products or services). Purpose-driven marketing that focuses on social issues (e.g. a brand running a campaign aimed at raising awareness about the importance of mental health)

is not the same as a campaign urging people to vote ‘no’ in the context of an upcoming political referendum.

We therefore believe that the definition of political advertising and ‘issues ads’ should clearly exclude any form of commercial communications seeking to promote products, services, or the image of a brand that are directly related to influencing consumers’ transactional decisions, including purpose-driven marketing that focuses on social issues. Purpose-driven ‘issues ads’ which are clearly linked to a brand or product (by their appearance in the ads) should be excluded from any definition of political advertising. We also think that obligations on political advertising should only apply to advertisements made by or on behalf of political advertisers, therefore clearly excluding commercial advertisers from their scope.

We believe that a clear distinction between political and commercial advertising would support the European Commission’s objectives of tackling regulatory fragmentation on political advertising across the EU, ensuring legal certainty and clarity within the EU internal market, and supporting democratic processes. This would also avoid unintended consequences on commercial advertising and prevent undermining existing regulatory and self-regulatory efforts aimed at driving transparency in online advertising.

**Q3. 2 Should definitions of political advertising be:**

- a. Defined in law
- b. Dynamically adaptable
- c. Don’t know
- d. Other**

**Please explain your response (optional)**

We believe that given the potential far-reaching implications that new rules on online political advertising could have for a broad range of stakeholders in the digital economy, the European Commission should engage all stakeholders in finding an industry-supported definition of political advertising and political ‘issues’ ads. This will ensure that any definition is sustainable in the long term and avoids unintended consequences on the broader digital advertising industry.

**Q10. Should there be rules requiring political ads to be truthful and not misleading about verifiable factual claims?**

- Yes**
- No
- Don’t know

**Please explain your answer (optional)**

WFA welcomes the European Commission’s objectives of preventing the spread of misleading and manipulative advertising. As representatives of commercial advertisers, we support existing principles enshrined in the Audiovisual Media Services Directive, the e-Commerce Directive, the Unfair Commercial Practices Directive and the Misleading and Comparative Advertising Directive which ensure commercial communications are clearly identifiable as such and that consumers are not being misled or exposed to inappropriate ads. Alongside this, the International Chamber of Commerce’s internationally recognised Advertising and Marketing Communications Code sets standards to ensure that all commercial communications and practices should be ‘legal, decent, honest and truthful’.

Therefore, as mentioned above, WFA urges the European Commission to ensure that any rules aimed at preventing misleading or manipulative political advertising clearly exclude commercial

advertising from their scope. Commercial advertisers are already subject to existing regulatory and self-regulatory standards aimed at preventing the spread of misleading and manipulative advertising, and additional obligations could risk undermining these efforts and creating legal fragmentation.

**Q27. Please share any additional comments or remarks you may have regarding the topic of this public consultation.**

WFA welcomes the European Commission's objectives of ensuring greater transparency in online political advertising and preventing the spread of misleading and manipulative political ads. We believe consumers should always have meaningful transparency and information about the ads they are seeing so that they can understand why they have been served particular ads and who is responsible for them.

As representatives of commercial advertisers, we support existing principles enshrined in the Audiovisual Media Services Directive, the Unfair Commercial Practices Directive, and the Misleading and Comparative Advertising Directive which ensure commercial communications are clearly identifiable as such and that consumers are not being misled or exposed to inappropriate ads. Alongside this, the International Chamber of Commerce's internationally recognised Advertising and Marketing Communications Code sets standards to ensure that all commercial communications and practices should be 'legal, decent, honest and truthful'.

As a result, and given the very distinct nature of political advertising, we urge the European Commission to ensure that any obligations on political advertising exclude commercial advertising from their scope. In order to avoid any unintended consequences on commercial advertising, we believe it is crucial that any definition of political and 'issues' ads clearly differentiate between political and 'issues' ads driven by political motive or for political purposes on the one hand, and those driven by commercial motives on the other.

We believe that the definition of political advertising and 'issues' ads should exclude any form of commercial communications seeking to promote products, services, or the image of a brand that are directly related to influencer consumers' transactional decision, including purpose-driven marketing that focuses on social issues. Purpose-driven 'issues ads' which are clearly linked to a brand or product (by their appearance in the ads) should be excluded from any definition of political advertising. We also think that obligations on political advertising should only apply to advertisements made by or on behalf of political advertisers, therefore clearly excluding commercial advertisers from their scope.

We feel that such a clear distinction between political advertising and commercial advertising would support the European Commission's objectives of tackling regulatory fragmentation on political advertising across the EU, ensuring legal certainty and clarity within the EU internal market, and supporting democratic processes. This would also avoid unintended consequences on commercial advertising and prevent undermining existing regulatory and self-regulatory efforts aimed at driving transparency in online advertising and preventing the spread of misleading and manipulative ads.